3130 S. Rainbow Blvd., Ste. 302 Telephone: (702) 566-1212 Facsimile: (702) 566-4833

CHARLES T. WRIGHT, ESQ. Nevada Bar No. 10285 PIET & WRIGHT 3130 S. Rainbow Blvd., Ste. 304 Las Vegas, Nevada 89146 Attorney for Debtors

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEVADA

In re:

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MIER, RICHARD ANTHONY

MIER, JEANNIE GAY

Debtor(s),

CASE NO.: BK-S 09-25863 LBR IN CHAPTER 13 PROCEEDINGS

MOTION TO VALUE COLLATERAL

Hearing Date: December 10, 2009

Hearing Time: 2:30 P.M.

MOTION TO VALUE COLLATERAL, "STRIP OFF" AND MODIFY RIGHTS OF WELLS FARGO HOME MORTGAGE. (ACCT. ENDING IN 0419 PURSUANT TO 11 U.S.C. 506(a) AND 1322

COME NOW, RICHARD ANTHONY MIER AND JEANNIE GAY MIER, (hereinafter the "Debtors"), by the law firm of PIET & WRIGHT, L.L.C., and attorney CHARLES T. WRIGHT, ESQ., and moves this Court pursuant to 11 U.S.C. §506(a), and §1322, and Bankruptcy Rules 3012 and 9014 and states:

- 1. Debtors filed the instant Chapter 13, Case Number 09-25863-LBR on August 27, 2009.
- On the Petition date, Debtor owned real property located at 2305 2. CASHMERE WAY, HENDERSON, NEVADA 89074 (hereinafter the "Subject Property") and was included on Schedule A of the Bankruptcy Petition. A copy of the Schedule A is attached hereto as Exhibit 1.
- The value of the Subject Property was appraised to be \$221,000.00 at the time the instant petition was filed. A copy of the appraisal is attached hereto as Exhibit 2.

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4.	At the time of filing the instant petition, the Subject Property was
subject to a p	riority lien held by WELLS FARGO HOME MORTGAGE (ACCT.
ENDING IN 0	602) in an amount of \$369,591.00 and was included on Schedule D of
the Bankruptcy	Petition. A copy of the Schedule D is attached hereto as Exhibit 3.

- 5. Therefore, on the date the instant bankruptcy was filed, no equity existed in the Subject Property above the claim of WELLS FARGO HOME MORTGAGE (ACCT. ENDING IN 0602).
- 6. WELLS FARGO BANK NV NA (ACCT. ENDING IN 1998) claim in the amount of \$34,893.00 was wholly unsecured on the petition date and if Subject Property was sold at auction WELLS FARGO BANK NV NA (ACCT. ENDING IN 1998) would receive nothing.
- Accordingly, the Debtor request that this Court find that WELLS 7. FARGO BANK NV NA (ACCT. ENDING IN 1998) claim in the amount of \$34,893.00 is unsecured and should be reclassified as a general unsecured claim to receive pro rata with other general unsecured creditors through the Debtor's Chapter 13 Plan.

LEGAL ARGUMENT

In In re Zimmer, 313 F.3d 1220 (9th Cir. 2002), the Court stated that a wholly unsecured lien holder's claim can be modified and reclassified as a general unsecured claim pursuant to 11 U.S.C. §506(a), despite the anti-modification language in § 1322(b)(2). Specifically, the Court held:

> Section 506(a) divides creditors' claims into "secured...claims" and "unsecured claims." Although the conventional interpretation of "secured" might include any claim in which the creditor has a security interest in the Debtors' property, § 506(a) makes clear that the status of a claim depends on the valuation of the property. An allowed claim of a creditor secured by a lien on property in which the estate has an interest ... is a secured claim to the extent of the value of such creditor's interest in the estate's interest in such property ... and is an unsecured claim to the extent that the value

Vegas, Nevada 89146

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Facsimile: (702) 566-4833 14 15

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of such creditor's interest ... is less than the amount of such allowed claim.

To put it more simply, a claim such as a mortgage is not a "secured claim" to the extent that it exceeds the value of the property that secures it. Under the Bankruptcy Code, "secured claim" is thus a term of art; not every claim that is secured by a lien on property will be considered a "secured claim." Here, it is plain that PSB Lending's claim for the repayment of its loan is an unsecured claim, because its deed of trust is junior to the first deed of trust, and the value of the loan secured by the first deed of trust is greater than the value of the house.

Accordingly, since WELLS FARGO BANK NV NA (ACCT. ENDING IN 1998) claim in the amount of \$34,893.00 is wholly unsecured (in that there is no extant equity above the first mortgage in the Subject Property), this Court should reclassify WELLS FARGO BANK NV NA (ACCT. ENDING IN 1998) claim to a general unsecured claim to receive pro rata with like unsecured creditors. WELLS FARGO BANK NV NA (ACCT. ENDING IN 1998) should also be stripped of its secured rights under State law since no maintainable security interest in the Subject Property exists.

Further, the Debtor is not required to file an adversary proceeding to achieve the requested relief herein. Debtor may bring a motion to "strip off" WELLS FARGO BANK NV NA (ACCT. ENDING IN 1998) consensual lien by motion. See In re Williams, 166 B.R. 615 (Bankr.E.D.Va.1994), In re Fuller, 255 B.R. 300 (Bankr.W.D.Mich.2000), In re Hoskins, 262 B.R. 693 (Bankr.E.D.Mich.2001), In re King, 290 B.R. 641 (Bankr.C.D.III.2003), In re Millspaugh, 302 B.R. 90 (Bankr.D.Idaho 2003), Dickey v. Ben. Fin. (In re Dickey) 293 B.R. 360 (Bankr.M.D.Pa.2003), In re Hill, 304 B.R. 800 (Bankr.S.D.Ohio 2003); In re Sadala 289 B.R. 544 294 180 (Bankr.M.D.Fla.2003), In Fisher, B.R. re (Bankr.W.D.N.Y.2003), In re Robert, 313 B.R. 545 (Bankr.N.D.N.Y2004), In re Bennett, 312 B.R. 843 (Bankr. W.D. Ky. 2004).

WHEREFORE, Debtor prays that this court:

Find that WELLS FARGO BANK NV NA (ACCT. ENDING IN 1.

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1998) is not a holder of a lien on the	Subject Property
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- Immediately avoid: "Strip off", cancel and extinguish WELLS 2. FARGO BANK NV NA (ACCT. ENDING IN 1998) wholly unsecured claim/lien in the amount of \$34,893.00 from the Subject Property pursuant to 11 U.S.C. Section 506(a);
- Reclassify WELLS FARGO BANK NV NA (ACCT. ENDING IN 3. 1998) claim in the amount of \$34,893.00 as general unsecured claim to be paid pro rata with other general unsecured creditors through the Debtor's Chapter 13 Plan;
 - 4. Such other relief the Court finds appropriate.

DATED this 19th day of November, 2009.

Respectfully submitted,

PIET & WRIGHT

By: /s/ Charles T. Wright CHARLES T. WRIGHT, ESQ. Nevada Bar No. 10285 3130 S. Rainbow Blvd., Ste. 304 Las Vegas, Nevada 89146 Attorney for Debtors

Exhibit 1

Case 09-25863-lbr Doc 30 Entered 11/20/09 14:35:36 Page 6 of 16

B6A (Official Form 6A) (12/07)

In re	Richard Anthony Mier,
	Jeannie Gay Mier

Case No.	09-25863	
Case 110.	<u> </u>	

Debtors

SCHEDULE A - REAL PROPERTY

Except as directed below, list all real property in which the debtor has any legal, equitable, or future interest, including all property owned as a cotenant, community property, or in which the debtor has a life estate. Include any property in which the debtor holds rights and powers exercisable for the debtor's own benefit. If the debtor is married, state whether husband, wife, both, or the marital community own the property by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community." If the debtor holds no interest in real property, write "None" under "Description and Location of Property."

Do not include interests in executory contracts and unexpired leases on this schedule. List them in Schedule G - Executory Contracts and

Unexpired Leases.

If an entity claims to have a lien or hold a secured interest in any property, state the amount of the secured claim. See Schedule D. If no entity claims to hold a secured interest in the property, write "None" in the column labeled "Amount of Secured Claim." If the debtor is an individual or if a joint petition is filed, state the amount of any exemption claimed in the property only in Schedule C - Property Claimed as Exempt.

Description and Location of Property	Nature of Debtor's Interest in Property	Husband, Wife, Joint, or Community	Current Value of Debtor's Interest in Property, without Deducting any Secured Claim or Exemption	Amount of Secured Claim
2305 Cashmere Way, Henderson, Nevada 89074 Single Family, 4 bedrooms, 3 bathroom, 2,783 sqft		J	221,000.00	404,484.00

(Total of this page) 221,000.00 Sub-Total > 221,000.00 Total >

0 continuation sheets attached to the Schedule of Real Property

(Report also on Summary of Schedules)

Exhibit 2

File No. 763B2305 Case No.

Uniform Residential Appraisal Report

	Official Residential	ate and adequately su	ported oninic	on of the marks	et value of t	he subject proper	tv.
The purpose of this summary appraisal report is to			ipported, opinio	State 1	NIV Zin (Code 89074	" —
Property Address 2305 Cashmere Way		City Henderson			ounty Clark		
Borrower MIER	Owner of Public Record MIER	2			Juney Clair		
Legal Description Green Valley South RS-6#7	7 Plat Book 82 Page 83 Lot 13 Block	Z Tay V	ear 2010		2 F Tayes	\$ 2,527.13	
Assessor's Parcel # 178-07-617-053						t 0053.13	
Neighborhood Name Green Valley South		ap Reference Metro			Jensus mad	per year X pe	r month
	nt Special Assessments \$ N/A	· X PU	JD HOA \$ 2	25.00		per year [7X [pe	11101181
Property Rights Appraised X Fee Simple	Leasehold Other (describe)	w					
Assignment Type Purchase Transaction	Refinance Transaction X Other	(describe) Market Va	alue				
Lender/Client Piet & Wright	Address 3130 S. Rair	bow Blvd #304, Las	Vegas, NV 89	1146	[-]	[57]	
Is the subject property currently offered for sale of	or has it been offered for sale in the twe	ve months prior to the	effective date of	of this appraisa	il? Y	es X No	
Report data source(s) used, offerings price(s), ar	nd date(s). According to the Propert	Archive Information	the subject p	roperty was r	not listed fo	or sale in the las	t twelve
I did did not analyze the contract for	r sale for the subject purchase transaction	n. Explain the results	of the analysis	of the contract	for sale or	why the analysis	was not
performed.		,					
periornied.							
Contract Price \$ Date of Con	tract Is the property sells	r the owner of public re	ecord? Ye	es No D	ata Source	(s) N/A	
Contract Price \$ Date of Contract Price \$ Date	ands concessions gift or downnayment	ecictance etc \ to he	paid by any par	ty on behalf of	the borrow	er? Yes	No
		100101011001 01017 10 00	pane 1, 1, p	4			
If Yes, report the total dollar amount and describ	ie the items to be paid.						
Note: Race and the racial composition of the	neighborhood are not appraisal factor	ors.			1000 P. 1000 P.		
Neighborhood Characteristics	One-Unit F	lousing Trends		One-Unit H		Present Land Use	
Location Urban X Suburban Rura	al Property Values Increasi		X Declining	PRICE	AGE	One-Unit	75 %
	ler 25% Demand/Supply Shortag	e In Balance	X OverSupply	\$ (000)	(yrs)	2-4 Unit	%
Growth Rapid Stable X Slow		nths X 3-6 mths	Over6 mths	100 Low	5	Multi-Family	05 %
Neighborhood Boundaries The subject's mark				300 High	1 20	Commercial	10 %
to the East by Green Valley Pkwy, to the Son	uth by Windmill Diver, and to the MA	st by Pecos Rd		250 Pre		Other v.land	10 %
Neighborhood Description The subject neighborhood	JULI DY VVII DITHII FRWY, AND TO THE VVE	at by 1 coos rea.	nidonane with av			quality Schools.	
Neighborhood Description The subject neighbor	hood is comprised mostly of conforming tra	ict style single lamily re:	siderices with av	malayment car	tere are loc	ated within a 10-1	5
shopping, parks and other support facilities are loca	ited nearby. Freeway access and major ar	enals are close and con	venient, Major e	imployment cer	iters are ioc	ated within a 10-10	
mile radius from the subject. Average market appear	al is noted due to the general condition and	construction quality of	nomes as well as	s proximity to io	cai area an	eniles.	
Market Conditions (including support for the abo	ove conclusions) According to the late	est report by Univers	ity of Las Vega	as Center for	Business	and Economic	
Research, "Locally, the consensus seems to	be that an adjustment is taking plac	e, but growth will co	ntinue to gene	rate enough	demand to	forestall a majo	Or
ubiquitous price decline in Clark County."							
Dimensions 60.07 X 100.00	Area 6,007 SF	Shape	Rectangular	. 1	View Resid	dential	
Specific Zoning Classification RS-6	Zoning Description	Single Family Resi	idential				
Zoning Compliance X Legal Legal Nor			(describe)				
Is the highest and best use of subject property a	as improved for as proposed per plans :			X Yes	No If No, o	describe.	
is the highest and best use of subject property a	is improved for as proposed per piene e	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,					
	Public Other (de	noriho\	Off-site Imn	rovementsT	vne	Public P	rivate
Utilities Public Other (describe)			Street Asphali		J.F	X	
Electricity X							
Gas X	Sanitary Sewer X		Alley None 32003C2590		I neM AM	ate 09/27/2002)
	X No FEMA Flood Zone X		3200302590	E 11	_IVI/\ IVILIP L	ALC USIZITZOUZ	<u></u>
Are the utilities and/or off-site improvements typ	ical for the market area? X Yes	No If No, describe.		1. Vo. 1V-		If Yes, describe.	
Are there any adverse site conditions or externa	factors (easements, encroachments, e	invironmental condition	ns, iano uses, e	HC.)? TE	SIVINO	ii i es, describe.	
There are no adverse site conditions or extended	rmal factors.						
							N 11 12 300 C 40 40 10 10 10 10 10 10 10 10 10 10 10 10 10
General Description	Foundation	Exterior Description	n materials	s/condition	nterior	materials/c	ondition
Units X One One with Accessory Unit		Foundation Walls C			Floors	Tile/Carpet/Avg]
	Full Basement Partial Basement		rm. Stucco/Av	VO 1	Walls	Drywall/Avg	
# of Stories 2	I		C. Tile/Avg			Standard/Avg	
production of the second					Bath Floor		
And the second s	BasementFinish None %					cot Tile/Avg	
Design (Style) 2 Story	Outside Entry/Exit Sump Pump		Dual Pane/Avg				
Year Built 2000	Evidence of Infestation None	Storm Sash/Insulate	d None		Car Storage		
Effective Age (Yrs) 5	Dampness Settlement	Screens 1	/2 Screens/Av			way # of Cars	
Attic None	Heating X FWA HWBB Radian	Amenities	Woodsto		CONTRACTOR OF THE PERSON OF TH	urface Concrete	<u> </u>
Drop Stair Stairs	Other Fuel Gas	X Fireplace(s)#	1 X Fence B	llockwall	X Garage	e #of Cars 3	
	Cooling X Central Air Conditioning		e Porch C	Cov. Entry	Carpor	t #of Cars	
Floor X Scuttle	Individual Other	Pool	Other		Att.		Built-in
Finished Heated Appliances X Refrigerator X Range/Over				(describe)			
			2,783 Squ		nes Livina	Area Above Grad	e
Finished area above grade contains: 5		2.75 Bath(s) 2	2,700 Oqu	ale rection on	OOD LIVING I	1100710070	,
Additional features (special energy efficient iter	ms, etc.) None						
						Lawrence appoint	ion with
Describe the condition of the property (including	ng needed repairs, deterioration, renova	ions, remodeling, etc.)	. The subje	ect property is	s in overall	average condit	IOII WILLI
no repairs necessary evident at the time of	inspection. No external obsolence r	oted at inspection. F	³ hysical depre	ciation noted	at inspec	tion. Physical de	epreciati
was calculated using the age life method ar	nd includes the appraiser's observat	ons, noting recent up	ogrades, cond	ition and imp	rovements	S	
Are there any physical deficiencies or adverse	conditions that affect the livability sour	ndness, or structural in	tegrity of the pr	operty?	Yes X N	o If Yes, describ	e
The appraiser only performed a visual inspe	nation of accomplishe areas and that the	anneaisal cannot be	e relied upon to	o disclose cor			
I ne appraiser only performed a visual inspe	school or accessible areas and mat the	- appraisar carrior be	sasa apan t	5.000 001			
<u> </u>							
		451.	n ata sa TVIs	/ac	If No. donor	iho	
Does the property generally conform to the ne	ighborhood (functional utility, style, con	dition, use, constructio	n, etc.)? X	Yes No	If No. descr	ibe	

Doc 30

Entered 11/20/09 14:35:36 Page 9 of 16 Vegas Valley Appraisals

File No. 763B2305 Case No.

Uniform Residential Appraisal Report

	There are 5 con	nparable properti	ies curre	ently offe	ered for	sale in I	the subject n	eiahha	rhood	ranging	in price fa	rom \$	225,0	nn	to \$	285	,000	
		nparable sales in												00.000		to \$	265,0	70
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	Address 2305 Cashmere	·			Kinnard						e Terrace					n Avenu		
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-	Henderson, NV	89074	0.0001113778		erson, N		4		_		NV 8907	4					4	
300	Proximity to Subject			0.64 m	niles SW	Company Co.				niles S				0.48 m	iles S			
	Sale Price	\$				\$		0,000			\$		242,000			\$	a lint	235,500
	Sale Price/Gross Liv. Area	\$ 0.00		\$ 82.6			g, ft.	\$ 93.			q. ft.		\$ 81.69 sq. ft.					
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	Verification Source(s)			Doc.#2	Occ.#20090501:02705			Doc.#	20090	529:0189	99		Doc. #20090806:02648					
	VALUE ADJUSTMENTS	DESCRIPT	ION	DE	SCRIPT	ION	+(-) \$ Adjus	stment	DE	SCRIP	TION	+(-) \$ A	djustment	DES	CRIP	MOIT	+(-)\$	Adjustment
	Sale or Financing			DOM -	- 51, Co	nν			DOM	- 55, F	HA			DOM -	28, 0	Conv		
	Concessions		Wife (\$15,000,000)		Contrib.			0		Contri			-8.000	Seller				d
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	Location	Average		Averag				2,000	Avera					Averag				
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3550				Fee Si														
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	View	Residential		Reside			<u> </u>		Resid			<u></u>		Reside				
	Design (Style)	2 Story		2 Story	~				2 Sto					2 Stor			1	
	Quality of Construction	Average		Averag	ge				Avera	ge				Averag	e			
	Actual Age	9 угв		9 yrs					11 yrs	;			+2,000	12 yrs				+3,000
	Condition	Average		Averag	ge		1		Avera	ge				Averag	je		ļ	
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	Room Count	9 4	2.75	9	4	2.75			7	4	2.50 *	* see	comments	8	4	2.75		
	Gross Living Area	2,78	3 sq. ft.		2,78	3 sq. ft.		0		2,5	83 sq. ft.		+5,000		2,	883 sq. ft		
	Basement & Finished						1											
	Rooms Below Grade	None		None					None					None				
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-	Heating/Cooling	FWA/Cent Ht/			Gent Ht/	Δ.				Cent F	I+/Δ C	 		FWA/	_	-11/A/C	 	
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763B2305 File No.

Case No.

Uniform Residential Appraisal Report

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Financial Concessions: Financial Concessions in the form of seller points pa			
Site Size: The adjustment for site size between the comparable and subject		eet, beginning	gata
difference of approximately one-thousand square feet. This figure is then round Age: The differences in age between the comparable sales and the subject		actual age. T	he amount
adjusted was based on the reaction of typically informed buyers.	property word dejected at \$1,000 per your, become or	otaa, aga, .	
Bathroom Count: Bathroom counts provide appropriate and similar utility to	all properties within this analysis, based on their respe	ctive square	footage. Fo
this reason, no adjustments were necessary.			
Gross Living Area: The differences in Gross Living Area between the compar			
foot, beginning at a difference of one hundred square feet, then rounded to the	most appropriate whole number. The amount adjusted	per square	foot, as note
above, represents the market's reaction to homes of this quality. Exterior Amenities: The exterior amenities of both the subject property and the	he comparable sales were adjusted as a whole which	considers fe	encino
landscaping, porches, patios, etc. Comparable Sale No. 1 was considered infer			
exterior amenities of each comparable sale as they relate to the subject propert			
Pool: Relative sales data in the subject's area indicate that the contributory	value of a typical pool is approximately \$10,000. This	figure was a	pplied to the
comparable sales as warranted.			
UPGRADED FEATURES			
ST GIVIDED LETTOREG			
Exterior:			
Front and Rear Landscaping, Latice Patio, Covered Porch.			
Interior:			
Two Tone Paint, Wood Railings, Tile Flooring, Corian Kitchen Countertops, Rec	essed Lights, Four Ceiling Fans.		
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COST APPROACH TO VALUE Provide adequate information for the lender/client to replicate your cost figures and cal Support for the opinion of site value (summary of comparable land sales or other meth	culations.	Charles and the state of the st	
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Vegas Valley Appraisals EXTRA COMPARABLES 4-5-6

File No. 763B2305 Case No.

Borrower MIER				
Property Address 2305 Cashmere	Way			
City Henderson	County Clark		State NV	Zip Code 89074
Lender/Client Piet & Wright		Address	3130 S. Rainbow Blvd #30	04, Las Vegas, NV 89146

FEATURE	,	SUBJECT		COMPAR	RABLE	SALE# 4		COMPA	RABLE S	ALE# 5	С	OMPA	RABLE S	ALE# 6	
,				205 Glendon Street											
Henderson, NV			Hende	erson, N'	V 8907	4									
Proximity to Subject		and the factors	0.65 n	niles SV	j										
	\$			\$ 249,999 \$								\$			
· · · · · · · · · · · · · · · · · · ·	\$ 0.00	sg. ft.	\$ 89.	89.83 sq. ft.			\$		S	q. ft.	\$ sq. ft.				
Data Source(s)				ALS#956289											
Verification Source(s)			 		1/09 Es	st. Cls. 10/10/09									
VALUE ADJUSTMENTS	DE	SCRIPTION		ESCRIPT		+(-) \$ Adjustme		ESCRIP	TION	+(-) \$ Adjustmen	DE	SCRIP	TION	+(-) \$ Adjustme	
Sale or Financing			DOM												
Concessions			LP/SF			-12,5	00								
	Time /	Adjustments													
	Averag		Avera	ae											
	Fee S			imple											
	6,007		7,282	SF		-1,0	00								
	Reside		Resid												
	2 Stor		2 Stor												
	Averag		Avera												
	9 yrs	4	10 yrs												
	Averag	ae	Avera								Π				
Above Grade		Bdrms Baths		Bdrms.	Baths		Total	Bdrms	Baths		Total	Bdrms	Baths		
Room Count	9	4 2.75	9	4	2.75			1				T	1		
Gross Living Area		2,783 sq. ft.	T -		3 sq. ft		o	<u> </u>	sq. ft.				sq. ft	1.	
Basement & Finished				-1.0						1					
	None		None							1				1	
	Averag	ae	Avera				1		***		1				
		Cent HVAC		Cent Ht/	'AC		7				T				
Energy Efficient Items	Standa		Stand		, ,,,										
Garage/Carport		Garage		Garage	***********		1								
Porch/Patio/Deck		menities	Simila												
Fireplaces	1 Fire	······································	<u> </u>	place						<u> </u>					
	No Po		Pool	p,200		-10,0	20			<u> </u>					
Interior Upgrades	Upgra		Simila	ar		1									
Net Adjustment (Total)	Opgia			+ X	_	\$ -23,5	20	1+	-	\$		+	-	\$ 0	
Adjusted Sale Price			Net A	\dj: -9%	······	20,0		Adj: 0%	6	1	Net /	\di: 0	%		
of Comparables			1	s Adj : 9		\$ 226.4	1	s Adj:		s	Gros	-		is o	
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1															
Report the results of the re	esearch	and analysis of	the pri	or sale or	transfe	er history of the s	ubject p	operty a	ind compa	arable sales					
Report the results of the re	esearch			or sale or				operty a		arable sales ARABLE SALE#	5	CC	MPARAE	BLE SALE# 6	
ITEM		SU	BJECT			COMPARABLE	SALE#				5	CC	MPARAE	BLE SALE# 6	
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Vegas Valley Appraisals

File No. 763B2305 Case No.

Uniform Residential Appraisal Report

This report form is designed to report an appraisal of a one-unit property or a one-unit property with an accessory unit; including a unit in a planned unit development (PUD). This report form is not designed to report an appraisal of a manufactured home or a unit in a condominium or cooperative project.

This appraisal report is subject to the following scope of work, intended use, intended user, definition of market value, statement of assumptions and limiting conditions, and certifications. Modifications, additions, or deletions to the intended use, intended user, definition of market value, or assumptions and limiting conditions are not permitted. The appraiser may expand the scope of work to include any additional research or analysis necessary based on the complexity of this appraisal assignment. Modifications or deletions to the certifications are also not permitted. However, additional certifications that do not constitute material alterations to this appraisal report, such as those required by law or those related to the appraiser's continuing education or membership in an appraisal organization, are permitted.

SCOPE OF WORK: The scope of work for this appraisal is defined by the complexity of this appraisal assignment and the reporting requirements of this appraisal report form, including the following definition of market value, statement of assumptions and limiting conditions, and certifications. The appraiser must, at a minimum: (1) perform a complete visual inspection of the interior and exterior areas of the subject property, (2) inspect the neighborhood, (3) inspect each of the comparable sales from at least the street, (4) research, verify, and analyze data from reliable public and/or private sources, and (5) report his or her analysis, opinions, and conclusions in this appraisal report.

INTENDED USE: The intended use of this appraisal report is for the lender/client to evaluate the property that is the subject of this appraisal for a mortgage finance transaction.

INTENDED USER: The intended user of this appraisal report is the lender/client.

DEFINITION OF MARKET VALUE: The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby: (1) buyer and seller are typically motivated; (2) both parties are well informed or well advised, and each acting in what he or she considers his or her own best interest; (3) a reasonable time is allowed for exposure in the open market; (4) payment is made in terms of cash in U. S. dollars or in terms of financial arrangements comparable thereto; and (5) the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions* granted by anyone associated with the sale.

*Adjustments to the comparables must be made for special or creative financing or sales concessions. No adjustments are necessary for those costs which are normally paid by sellers as a result of tradition or law in a market area; these costs are readily identifiable since the seller pays these costs in virtually all sales transactions. Special or creative financing adjustments can be made to the comparable property by comparisons to financing terms offered by a third party institutional lender that is not already involved in the property or transaction. Any adjustment should not be calculated on a mechanical dollar for dollar cost of the financing or concession but the dollar amount of any adjustment should approximate the market's reaction to the financing or concessions based on the appraiser's judgment.

STATEMENT OF ASSUMPTIONS AND LIMITING CONDITIONS: The appraiser's certification in this report is subject to the following assumptions and limiting conditions:

- 1. The appraiser will not be responsible for matters of a legal nature that affect either the property being appraised or the title to it, except for information that he or she became aware of during the research involved in performing this appraisal. The appraiser assumes that the title is good and marketable and will not render any opinions about the title.
- 2. The appraiser has provided a sketch in this appraisal report to show the approximate dimensions of the improvements. The sketch is included only to assist the reader in visualizing the property and understanding the appraiser's determination of its size.
- 3. The appraiser has examined the available flood maps that are provided by the Federal Emergency Management Agency (or other data sources) and has noted in this appraisal report whether any portion of the subject site is located in an identified Special Flood Hazard Area. Because the appraiser is not a surveyor, he or she makes no guarantees, express or implied, regarding this determination.
- 4. The appraiser will not give testimony or appear in court because he or she made an appraisal of the property in question, unless specific arrangements to do so have been made beforehand, or as otherwise required by law.
- 5. The appraiser has noted in this appraisal report any adverse conditions (such as needed repairs, deterioration, the presence of hazardous wastes, toxic substances, etc.) observed during the inspection of the subject property or that he or she became aware of during the research involved in performing this appraisal. Unless otherwise stated in this appraisal report, the appraiser has no knowledge of any hidden or unapparent physical deficiencies or adverse conditions of the property (such as, but not limited to, needed repairs, deterioration, the presence of hazardous wastes, toxic substances, adverse environmental conditions, etc.) that would make the property less valuable, and has assumed that there are no such conditions and makes no guarantees or warranties, express or implied. The appraiser will not be responsible for any such conditions that do exist or for any engineering or testing that might be required to discover whether such conditions exist. Because the appraiser is not an expert in the field of environmental hazards, this appraisal report must not be considered as an environmental assessment of the property.
- 5. The appraiser has based his or her appraisal report and valuation conclusion for an appraisal that is subject to satisfactory completion, repairs, or alterations on the assumption that the completion, repairs, or alterations of the subject property will be performed in a professional manner.

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Uniform Residential Appraisal Report

File No. 763B2305

APPRAISER'S CERTIFICATION: The Appraiser certifies and agrees that:

- 1. I have, at a minimum, developed and reported this appraisal in accordance with the scope of work requirements stated in this appraisal report.
- 2. I performed a complete visual inspection of the interior and exterior areas of the subject property. I reported the condition of the improvements in factual, specific terms. I identified and reported the physical deficiencies that could affect the livability, soundness, or structural integrity of the property.
- 3. I performed this appraisal in accordance with the requirements of the Uniform Standards of Professional Appraisal Practice that were adopted and promulgated by the Appraisal Standards Board of The Appraisal Foundation and that were in place at the time this appraisal report was prepared.
- 4. I developed my opinion of the market value of the real property that is the subject of this report based on the sales comparison approach to value. I have adequate comparable market data to develop a reliable sales comparison approach for this appraisal assignment. I further certify that I considered the cost and income approaches to value but did not develop them, unless otherwise indicated in this report.
- 5. I researched, verified, analyzed, and reported on any current agreement for sale for the subject property, any offering for sale of the subject property in the twelve months prior to the effective date of this appraisal, and the prior sales of the subject property for a minimum of three years prior to the effective date of this appraisal, unless otherwise indicated in this report.
- 6. I researched, verified, analyzed, and reported on the prior sales of the comparable sales for a minimum of one year prior to the date of sale of the comparable sale, unless otherwise indicated in this report.
- 7. I selected and used comparable sales that are locationally, physically, and functionally the most similar to the subject property.
- 8. I have not used comparable sales that were the result of combining a land sale with the contract purchase price of a home that has been built or will be built on the land.
- 9. I have reported adjustments to the comparable sales that reflect the market's reaction to the differences between the subject property and the comparable sales.
- 10. I verified, from a disinterested source, all information in this report that was provided by parties who have a financial interest in the sale or financing of the subject property.
- 11. I have knowledge and experience in appraising this type of property in this market area.
- 12. I am aware of, and have access to, the necessary and appropriate public and private data sources, such as multiple listing services, tax assessment records, public land records and other such data sources for the area in which the property is located.
- 13. I obtained the information, estimates, and opinions furnished by other parties and expressed in this appraisal report from reliable sources that I believe to be true and correct.
- 14. I have taken into consideration the factors that have an impact on value with respect to the subject neighborhood, subject property, and the proximity of the subject property to adverse influences in the development of my opinion of market value. I have noted in this appraisal report any adverse conditions (such as, but not limited to, needed repairs, deterioration, the presence of hazardous wastes, toxic substances, adverse environmental conditions, etc.) observed during the inspection of the subject property or that I became aware of during the research involved in performing this appraisal. I have considered these adverse conditions in my analysis of the property value, and have reported on the effect of the conditions on the value and marketability of the subject property.
- 15. I have not knowingly withheld any significant information from this appraisal report and, to the best of my knowledge, all statements and information in this appraisal report are true and correct.
- 16. I stated in this appraisal report my own personal, unbiased, and professional analysis, opinions, and conclusions, which are subject only to the assumptions and limiting conditions in this appraisal report.
- 17. I have no present or prospective interest in the property that is the subject of this report, and I have no present or prospective personal interest or bias with respect to the participants in the transaction. I did not base, either partially or completely, my analysis and/or opinion of market value in this appraisal report on the race, color, religion, sex, age, marital status, handicap, familial status, or national origin of either the prospective owners or occupants of the subject property or of the present owners or occupants of the properties in the vicinity of the subject property or on any other basis prohibited by law.
- 18. My employment and/or compensation for performing this appraisal or any future or anticipated appraisals was not conditioned on any agreement or understanding, written or otherwise, that I would report (or present analysis supporting) a predetermined specific value, a predetermined minimum value, a range or direction in value, a value that favors the cause of any party, or the attainment of a specific result or occurrence of a specific subsequent event (such as approval of a pending mortgage loan application).
- 19. I personally prepared all conclusions and opinions about the real estate that were set forth in this appraisal report. If I relied on significant real property appraisal assistance from any individual or individuals in the performance of this appraisal or the preparation of this appraisal report, I have named such individual(s) and disclosed the specific tasks performed in this appraisal report. I certify that any individual so named is qualified to perform the tasks. I have not authorized anyone to make a change to any item in this appraisal report; therefore, any change made to this appraisal is unauthorized and I will take no responsibility for it.
- 20 Fidentified the lender/client in this appraisal report who is the individual, organization, or agent for the organization that ordered and will receive this appraisal report.

Vegas Valley Appraisals

File No. 763B2305

Uniform Residential Appraisal Report

- 21. The lender/client may disclose or distribute this appraisal report to: the borrower; another lender at the request of the borrower; the mortgagee or its successors and assigns; mortgage insurers; government sponsored enterprises; other secondary market participants; data collection or reporting services; professional appraisal organizations; any department, agency, or instrumentality of the United States; and any state, the District of Columbia, or other jurisdictions; without having to obtain the appraiser's or supervisory appraiser's (if applicable) consent. Such consent must be obtained before this appraisal report may be disclosed or distributed to any other party (including, but not limited to, the public through advertising, public relations, news, sales, or other media).
- 22. I am aware that any disclosure or distribution of this appraisal report by me or the lender/client may be subject to certain laws and regulations. Further, I am also subject to the provisions of the Uniform Standards of Professional Appraisal Practice that pertain to disclosure or distribution by me.
- 23. The borrower, another lender at the request of the borrower, the mortgagee or its successors and assigns, mortgage insurers, government sponsored enterprises, and other secondary market participants may rely on this appraisal report as part of any mortgage finance transaction that involves any one or more of these parties.
- 24. If this appraisal report was transmitted as an "electronic record" containing my "electronic signature," as those terms are defined in applicable federal and/or state laws (excluding audio and video recordings), or a facsimile transmission of this appraisal report containing a copy or representation of my signature, the appraisal report shall be as effective, enforceable and valid as if a paper version of this appraisal report were delivered containing my original hand written signature.
- 25. Any intentional or negligent misrepresentation(s) contained in this appraisal report may result in civil liability and/or criminal penalties including, but not limited to, fine or imprisonment or both under the provisions of Title 18, United States Code, Section 1001, et seq., or similar state laws.

SUPERVISORY APPRAISER'S CERTIFICATION: The Supervisory Appraiser certifies and agrees that:

- 1. I directly supervised the appraiser for this appraisal assignment, have read the appraisal report, and agree with the appraiser's analysis, opinions, statements, conclusions, and the appraiser's certification.
- 2. I accept full responsibility for the contents of this appraisal report including, but not limited to, the appraiser's analysis, opinions, statements, conclusions, and the appraiser's certification.
- 3. The appraiser identified in this appraisal report is either a sub-contractor or an employee of the supervisory appraiser (or the appraisal firm), is qualified to perform this appraisal, and is acceptable to perform this appraisal under the applicable state law.
- 4. This appraisal report complies with the Uniform Standards of Professional Appraisal Practice that were adopted and promulgated by the Appraisal Standards Board of The Appraisal Foundation and that were in place at the time this appraisal report was prepared.
- 5. If this appraisal report was transmitted as an "electronic record" containing my "electronic signature," as those terms are defined in applicable federal and/or state laws (excluding audio and video recordings), or a facsimile transmission of this appraisal report containing a copy or representation of my signature, the appraisal report shall be as effective, enforceable and valid as if a paper version of this appraisal report were delivered containing my original hand written signature.

APPRAISER SUPERVISORY APPRAISER (ONLY IF REQUIRED) Signature Signature Michael O'Connor Name Company Name Vegas Valley Appraisals Company Name Company Address 2634 Cimarron Cove Ct, Company Address Las Vegas, NV 89156 Telephone Number Telephone Number Tel:(702) 459-6655 Fax:(702) 459-2755 Email Address vegasvalleyappraisals@cox.net Email Address Date of Signature Date of Signature and Report 09/27/2009 State Certification # Effective Date of Appraisal 09/25/2009 or State License # State Certification # or State License # A.0006146-RES State or Other (describe) Expiration Date of Certification or License State # State Expiration Date of Certification or License 09/30/2009 SUBJECT PROPERTY ADDRESS OF PROPERTY APPRAISED Did not inspect subject property 2305 Cashmere Way Did inspect exterior of subject property from street Henderson, NV 89074 Date of Inspection APPRAISED VALUE OF SUBJECT PROPERTY \$ 221,000 Did inspect interior and exterior of subject property Date of Inspection LENDER/CLIENT Name Company Name Piet & Wright COMPARABLE SALES Company Address 3130 S. Rainbow Blvd #304 Did not inspect exterior of comparable sales from street Did inspect exterior of comparable sales from street Las Vegas, NV 89146 Date of Inspection Email Address

Exhibit 3

B6D (Official Form 6D) (12/07)

In re	Richard Anthony Mier,	Case No	09-25863
	Jeannie Gay Mier		

Debtors

SCHEDULE D - CREDITORS HOLDING SECURED CLAIMS

State the name, mailing address, including zip code, and last four digits of any account number of all entities holding claims secured by property of the debtor as of the date of filing of the petition. The complete account number of any account the debtor has with the creditor is useful to the trustee and the creditor and may be provided if the debtor chooses to do so. List creditors holding all types of secured interests such as judgment liens, garnishments, statutory liens, mortgages, deeds of trust, and other security interests.

other security interests.

List creditors in alphabetical order to the extent practicable. If a minor child is a creditor, the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. §112 and Fed. R. Bankr. P. 1007(m). If all secured creditors will not fit on this page, use the continuation sheet provided.

If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebtor", include the entity on the appropriate schedule of creditors, and complete Schedule H - Codebtors. If a joint petition is filed, state whether the husband, wife, both of them, or the marital community may be liable on each claim by placing an "H", "W", "J", or "C" in the column labeled "Husband, Wife, Joint, or Community".

If the claim is contingent, place an "X" in the column labeled "Contingent". If the claim is unliquidated, place an "X" in the column labeled "Unliquidated". If the claim is disputed, place an "X" in the column labeled "Disputed". (You may need to place an "X" in more than one of these three columns.)

Total the columns labeled "Amount of Claim Without Deducting Value of Collateral" and "Unsecured Portion, if Any" in the boxes labeled "Total(s)" on the last sheet of the completed schedule. Report the total from the column labeled "Amount of Claim" also on the Summary of Schedules and, if the debtor is an individual with primarily consumer debts, report the total from the column labeled "Unsecured Portion" on the Statistical Summary of Certain Liabilities and Related Data.

Check this box if debtor has no creditors holding secured claims to report on this Schedule D.

Check this box if debtor has no creditors holding secured claims to report on this Schedule D.

CDEDITODIC NIAME	C	Hu	sband, Wife, Joint, or Community	S	U N	P	AMOUNT OF	
CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.)	CODEBTOR	H & J C	DATE CLAIM WAS INCURRED, NATURE OF LIEN, AND DESCRIPTION AND VALUE OF PROPERTY SUBJECT TO LIEN	CONTINGEN	QU_	SPUTED	CLAIM WITHOUT DEDUCTING VALUE OF COLLATERAL	UNSECURED PORTION, IF ANY
Account No. xxxxxxx2877			Opened 5/01/08 Last Active 4/13/09	T	DATED			
Huntington Natl Bk Attention: Bankruptcy 2361 Morse Road Columbus, OH 43229		С	2008 Chevy Malibu. Location: 2305 Cashmere Way, Henderson NV					
			Value \$ 15,467.00	_	igdash		27,883.00	12,416.00
Account No. xxxxxxxxxxxxxx1998 Wells Fargo Bank Nv Na Po Box 31557 Billings, MT 59107		С	Opened 9/01/07 Last Active 3/23/09 Second Mortgage 2305 Cashmere Way, Henderson, Nevada 89074 Single Family, 4 bedrooms, 3 bathroom, 2,783 sqft					
			Value \$ 221,000.00				34,893.00	34,893.00
Account No. xxxxxxxxx0602 Wells Fargo Home Mtg Attention: Bankruptcy Department MAC-X 3476 Stateview Blvd.		С	Opened 9/01/07 Last Active 4/01/09 first mortgage 2305 Cashmere Way, Henderson, Nevada 89074 Single Family, 4 bedrooms, 3 bathroom, 2,783 sqft					
Fort Mill, SC 29715			Value \$ 221,000.00				369,591.00	148,591.00
Account No.			Value \$					
0 continuation sheets attached	J		(Total of	Sub this			432,367.00	195,900.00
			(Report on Summary of S		Fota dule		432,367.00	195,900.00